

UNITED STATES DISTRICT COURT

District of Delaware

UNITED STATES OF AMERICA

v.

Shannoen MooreDefendant

ORDER OF DETENTION PENDING TRIAL

Case CR 06-105 (JJF)

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4). an offense for which the maximum sentence is life imprisonment or death. an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.

a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the date of conviction release of the defendant from imprisonment for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

(1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____ under 18 U.S.C. § 924(c).

(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

X (1) There is a serious risk that the defendant will not appear.

X (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by X clear and convincing evidence X a preponderance of the evidence: Defendant is charged with possession of a firearm by a convicted felon. The court finds that there are no conditions or combination thereof that will reasonably assure defendant's appearance as required and the safety of the community on the following bases:

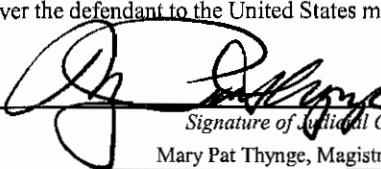
1. Little or not background except for defendant's criminal background was provided to the court before the detention hearing. Defendant elected not to be interviewed by Pretrial Services, which is his right. However, no reliable information was provided to the court before the hearing concerning defendant's characteristics/background except for his criminal history
2. The evidence against defendant was substantial- defendant ran from police officers and when tackled in an alleyway and finally controlled, the weapon was found on his person and within his control.
3. At the time of his arrest, defendant was on state probation
4. Defendant's criminal history begins at age 11(1993) and continues to the present (approximately age 24). In 2002 defendant plead guilty for maintaining a vehicle for drugs and was subsequently cited on 4 occasions for VOP. Later in 2002 defendant plead guilty again for maintaining a vehicle for drugs. In March 2005, defendant plead guilty to possession with intent to deliver and for that offense was found guilty of VOP in August 2005 and April 2006. His past history reveals 7 VOP and 9 FTAs. He also has 5 convictions for drug related offenses.
5. The fact that defendant is a lifetime resident of this state and the area and has family (mother, brother and sister), these factors do not alleviate and have not alleviated defendant's criminal tendencies.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

October 26, 2006

Date



Signature of Judicial Officer

Mary Pat Thyng, Magistrate Judge

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).